

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

COURT MINUTES AND ORDER

UNITED STATES OF AMERICA

v.

COUNSEL-ONLY STATUS CONFERENCE

**JOHN D WHELAN (1)
TINA MONTEZON (2)**

Case No. 21-cr-0005-bhl

HONORABLE BRETT H. LUDWIG presiding
Proceeding Held: 5/6/2022
Deputy Clerk: Christine B.

Time Called: 10:09 a.m.
Time Concluded: 10:49 a.m.
Audio at Docket No.: 51

Appearances:

UNITED STATES OF AMERICA by:	Julie F Stewart and Kevin C Knight
JOHN D WHELAN by:	Ronald W Chapman, II and Meghan Sullivan
TINA MONTEZON by:	Jonathan C Smith

The parties updated the Court on the status of the case. Counsel for Defendant Whelan agreed with the government's request that the Court set an expert witness disclosure deadline. Counsel for Defendant Montezon reported that she did not intend to retain an expert witness.

Counsel for the government argued that Defendant Whelan's Motion for Return of Property (ECF No. 47) was not ripe for the Court's consideration because the defendant had not made a prima facie showing of substantial need for the assets. Counsel for Defendant Whelan stated that, while he did not believe an affidavit in support of a request for a post-seizure hearing was required, the defendant would file one.

Due to the pending issues in this case as well as his demanding trial schedule, counsel for Defendant Whelan requested a continuance of the trial date. The Court **canceled** the final pretrial scheduled for July 7, 2022 and the trial set to commence on July 18, 2022. Both will be rescheduled at a later date.

IT IS THEREFORE ORDERED that Defendant Whelan's Affidavit in Support of his Request for a Hearing on his Motion for Return of Property (ECF No. 47) shall be filed on or before **May 20, 2022**.

IT IS FURTHER ORDERED that, in accordance with Fed. R. Crim. P. 16(b)(1)(C), defendants' expert witness disclosures are due on or before **June 15, 2022**.

IT IS FURTHER ORDERED that the period of time from **May 6, 2022 until June 16, 2022** is deemed excludable.

NOTICE: An evidentiary hearing on Defendant Whelan's Motion for Return of Property (ECF No. 47) will be held on **June 16, 2022, at 2:00 PM** in Courtroom 225, U.S. Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin. In the event the Court finds Defendant's Whelan's affidavit does not demonstrate a sufficient basis to hold a hearing to determine the traceability of the seized funds, the evidentiary hearing will be converted to a telephonic status conference.

Dated at Milwaukee, Wisconsin on May 26, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge